



Michael L. Thurmond  
Chief Executive Officer

## DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability  
330 Ponce De Leon Avenue, Suite 300  
Decatur, GA 30030



Wednesday, September 12, 2018 at 1:00 PM

### Planning Department Staff Analysis

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**N.3 Case No: A-18-1235159 Parcel ID(s): 18-061-01-005**

**Commission District: 02 Super District 06**

**Applicant:** Renee de Jong  
879 Scott Circle  
Decatur, GA 30033

**Owner:** Renee de Jong  
879 Scott Circle  
Decatur, GA 30033

**Project Name:** 879 Scott Circle

**Location:** The property is located on the north side of Scott Circle, approximately 583-feet west of Desmond Drive at 879 Scott Circle.

**REQUEST:** Variance request from Section 27-4.2.2 of the DeKalb County Zoning Ordinance to the reduce the side yard setback from 7.5 to 5.7 feet for an addition and an accessory structure, relating to the R-75 zoning district

**Staff Recommendation:** **“APPROVAL” based on the submitted site plan received on August 1, 2018**

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## **STAFF FINDINGS:**

**Table 1: Surround Zoning and Land Use**

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
North	R-75	Detached single family homes
East	R-75	Detached single family homes
South	R-75	Detached single family homes
West	R-75	Detached single family homes
Northeast	R-75	Detached single family homes
Northwest	R-75	Detached single family homes
Southeast	R-75	Detached single family homes
Southwest	R-75	Detached single family homes
Street Type	Local Street	

Site Location: The property is located on the north side of Scott Circle, approximately 583-feet west of Desmond Drive at 879 Scott Circle. The site is zoned R-75 and is currently developed. The property fronts Scott Circle and is classified as a local street.

Variance request: The applicant is requesting a variance request from Section 27-4.2.2 of the DeKalb County Zoning Ordinance to reduce the side yard setback from 7.5 to 5.7 feet for an addition and wooden deck, relating to the R-75 zoning district.

Variance Analysis: Based on the submitted survey, the site has 65-feet of street frontage along Scott Circle. The total lot area is 11,426 square feet. The R-75 zoning district requires 15-feet of frontage along a public street and a minimum lot area of 10,000 square feet which does not meet the requirements but appears to be legal non-conforming.

Based on the submitted site plan, the house was built in 1954. The applicant is proposing to convert the existing attached garage into a master suite (Bedroom and bathroom) and would like to add additional 80 square feet of heat space as well as build a wooden deck at the rear of the garage. The existing garage currently sits approximately 5.6-feet outside of the required side yard setback which classifies the existing garage as legal nonconforming. Based on the submitted materials and site visit it appears that the requested variances do comply with the criteria for approval, based on the following findings.

**1. By reason of exceptional narrowness, shallowness or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district:**

Based on the submitted materials, it appears that the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district since the subject lot is legal non-conforming.

**2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located:**

Based on the submitted materials, it appears that the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located since most homes along Scott Circle are legal non-conforming.

**3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located:**

Based on the submitted materials, the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.

**4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:**

Based on the submitted materials, it appears that the literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an undue and unnecessary hardship due to the uniqueness of the existing structure which created design constraints on the property.

**5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:**

Based on the submitted materials, it appears that the requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

**FINAL STAFF ANALYSIS:**

Based on the submitted materials, it appears that the literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an undue and unnecessary hardship due to the uniqueness of the existing structure which created design constraints on the property. Therefore, the Department of Planning and Sustainability recommends that the application be "Approve".

**STAFF RECOMMENDATION: "APPROVAL" based on the submitted site plan received on August 1, 2018"**